

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

EDWARD J. WILEY,

Case No. 2:23-cv-00141-GMN-EJY

Plaintiff,

## REPORT AND RECOMMENDATION

V.

LAS VEGAS POLICE, *et al.*,

## Defendants.

10 On January 25, 2023, Plaintiff filed an application to proceed *in forma pauperis* (“IFP”) and  
11 Civil Rights Complaint. ECF Nos. 1, 1-1. On January 30, 2023, the Court granted Plaintiff’s IFP  
12 application but recommended dismissal without prejudice of Plaintiff’s Complaint for failure to state  
13 a claim upon which relief can be granted. ECF No. 3. Further, the Court issued an Order giving  
14 Plaintiff through and including March 1, 2023 to file an amended complaint that addressed the  
15 deficiencies in his initial Complaint. *Id.* at 3. The Court instructed the Clerk of Court to send  
16 Plaintiff the instructions and form for filing a civil rights complaint. *Id.* The Court explained that if  
17 Plaintiff failed to comply with the Order, it would recommend dismissal of this action without  
18 prejudice. *Id.* As of the date of this Recommendation, Plaintiff has not filed an amended complaint.

19 Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without  
20 prejudice for failure to comply with the Court's January 30, 2023 Order.

Dated this 9th day of May, 2023.

Elayna J. Youchah  
ELAYNA J. YOUCAH  
UNITED STATES MAGISTRATE JUDGE

## NOTICE

Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held

1 that the courts of appeal may determine that an appeal has been waived due to the failure to file  
2 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
3 held that (1) failure to file objections within the specified time and (2) failure to properly address  
4 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
5 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
6 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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